

**IN THE CLAIMS**

Claim 1 (Currently Amended) A method for outputting data read from a recording medium, ~~said data read from the recording medium not containing electronic watermark information,~~ comprising the steps of:

determining a type of the recording medium as being a read-only recording medium or a random access recording medium;

reading the data from the recording medium in response to a playback command or a recording command, wherein the data does not contain electronic watermark information;

decoding the data read from the recording medium;

generating and embedding electronic watermark information in the decoded data if the data was read in response to the recording command~~when the decoded data is selected as data to be subsequently recorded;~~ wherein said electronic watermark information is based on the type of the recording medium; and

outputting the decoded data with the embedded electronic watermark information if the data was read in response to the recording command; and

outputting the decoded data without electronic watermark information if the data was read in response to the playback command.

~~preventing said electronic watermark information from being embedded in the decoded data when the decoded data is selected~~

~~as data to be played back, thereby preventing degradation of the data for playback.~~

Claim 2. (canceled)

Claim 3 (currently amended) The method according to Claim ~~21~~, ~~further comprising the step of embedding wherein the~~ electronic watermark information ~~indicating~~ indicates at least a first generation recording is allowed when the recording medium is a ~~the~~ read-only type of recording medium.

Claim 4 (currently amended) The method according to Claim ~~31~~, ~~further comprising the step of embedding wherein the~~ electronic watermark information ~~indicating~~ indicates recording is prohibited when the recording medium is a ~~recordable~~ the random access type of recording medium.

Claims 5-6. (canceled)

Claim 7 (currently amended) The method according to Claim ~~21~~, wherein the type of the recording medium is determined by determining whether a pit wobbling portion is present on the recording medium.

Claims 8-9 (Canceled).

Claim 10. (currently amended) The method according to Claim 9~~1~~, wherein the decoded data is converted into an analog signal, and the electronic watermark information ~~for analog data is~~ embedded in the analog signal.

Claims 11-47. (Canceled).

Claim 48 (Currently Amended) An apparatus for outputting data read from ~~playing back~~ a recording medium, comprising:  
a determination circuit for determining a type of the recording medium as being a read-only recording medium or a random access recording medium;

a head for reading the data from the recording medium in response to a playback command or a recording command, wherein the data does not contain electronic watermark information; said data read from the recording medium not containing electronic watermark information;

a decoder for decoding an ~~output signal from~~ the data read by said head; and

a watermarking unit for generating and embedding electronic watermark information in the decoded data if the data was read in response to the recording command; wherein said electronic watermark information is based on the type of the recording medium; and

an output unit for outputting the decoded data with the embedded electronic watermark information if the data was read in response to the recording command and outputting the decoded data without electronic watermark information if the data was read in response to the playback command.

~~an adding unit and a selector unit for embedding electronic watermark information in the data from said decoder when the data from said decoder is selected as data to be subsequently recorded, wherein said adding unit prevents said electronic watermark information from being embedded in the data from said decoder when the data from said decoder is selected as data to be played back, thereby preventing degradation of the data for playback.~~

Claim 49. (canceled)

Claim 50. (currently amended) The apparatus according to Claim 4948, wherein ~~said adding unit adds~~the electronic watermark information indicates ~~indicating~~ at least one recording is allowed when said determination circuit determines that the recording medium is a ~~the~~ read-only type of recording medium.

Claim 51. (currently amended) The apparatus according to Claim 4948, wherein ~~said adding unit adds~~the electronic

watermark information ~~indicating~~ indicates recording is prohibited when said determination circuit determines that the recording medium is a ~~the~~ the random access type of recordable recording medium.

Claims 52-95. (Canceled)